IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7370 OF 2006

Pune Municipal Transport .... Petitioner
Vs.
Vishwanath P. Magar & Anr. .... Respondents

Shri R.G. Ketkar for the Petitioner.

Shri S.A. Sawant for the Respondent (No.1).

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 06, 2006

P.C:

1. Heard. The petitioner challenges the Judgment and Order dated 25-9-2006 passed by the Industrial Court in revision against the order passed by the Labour Court. The Labour Court in the complaint filed by the respondent (No.1) had directed the payment of 50% of back wages for the period from 4-9-1996 till 4-5-2004. The Industrial Court by the impugned order has directed the payment of 50% of back wages also for the period from the date of dismissal of the respondent i.e. from 13-6-1990 till 3-9-1996 in addition to the order regarding the payment of back wages by the Labour Court. Undisputedly, there was no challenge by the petitioner to the order of the Labour Court and the matter was carried before the Industrial Court by the respondent in revision application.

2. The learned Advocate for the respondent has fairly submitted that if the petitioner pays the amount as ordered by the Labour Court within a period of eight weeks, the respondent will concede that the impugned order may be set aside and in that case the respondent would be satisfied with the amount payable in terms of the order of the Labour Court.

3. In view of the said submission, while accepting the contention on behalf of the respondent, the impugned order is, by consent, set aside. Needless to say that since there was no challenge to the order of the Labour Court directing the petitioner to pay to the respondent the back wages to the extent of 50% from 4-9-1996 till the date of retirement of the respondent i.e. till 4-5-2004, the petitioner shall pay the said amount within a period of eight weeks from today. With the above direction regarding the payment of back wages in terms of the order of Labour Court dated 12-5-2006 in Complaint (ULP) No.187 of 1990 passed by the Labour Court, Pune, the impugned order dated 25-9-2006 is hereby quashed and set aside. There shall be no order as to costs. With the above observations, the petition is disposed of.

(R.M.S. Khandeparkar, J.)

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